

REMARKS

The Office Action dated February 22, 2008, has been received and considered. In this Response, claims 43 and 45 have been amended. Support for the amendments can be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Allowable Subject Matter

The Applicants note with appreciation the indication at page 8 of the Office Action that claims 7, 16-17, 19-21 31, and 41 recite allowable subject matter and would be allowable if rewritten in independent form. The Applicant has opted to forgo rewriting these claims as suggested in view of the following remarks.

Obviousness Rejection of Claims 1-2, 6, 10, 13-15, 18, 25, 32, 36, 39-40 and 42-46

At page 2 of the Office Action, claims 1-2, 6, 10, 13-15, 18, 25, 32, 36, 39-40 and 42-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nakaya (U.S. Patent Publication No. 2001/0012436). This rejection is hereby respectfully traversed.

Claim 1 recites “editing at least a portion of the video stream...wherein editing occurs in real-time relative to a user’s perspective of receiving the video stream.” According to the Office Action at page 3, these features are disclosed at paragraph [0034] of Nakaya, set forth below:

Next, the configuration of the processing section 13 will be described in more detail with reference to FIG. 2. As shown in FIG. 2, the processing section 13 is configured by: the audio-video separating section 131 which separates the digital AV signal that is A/D-converted by the A/D converting section 12, into a video signal and an audio signal; the editing section 132 which edits the separated digital video and audio signals, and records and reproduces the signals on and from the hard disk 14; the edit controlling section 133 which controls the editing section 132 in accordance with a key operation on the operating section 19 having, for example, operation keys (not shown) for selecting plural editing processes; and an audio-video multiplexing section 134 which, under the control of the edit controlling section 133, multiplexes the digital video and audio signals that are obtained by performing a reproducing process on the hard disk 14 by the editing section 132, and then records the multiplexed signal on the D-video tape 15.

Applicants respectfully submit that neither the cited portion, nor any other portion of Nakaya, discloses editing a portion of a video stream **in real-time** relative to a user's perception of receiving the video stream. Instead, the cited portion of Nakaya merely discloses an editing section 132 to edit separated video and audio signals. Nakaya does not disclose that the editing section 132 performs editing of a video signal in real-time. Thus, Nakaya fails to disclose at least the recited features of claim 1.

Claims 2, 6, 10, 13-15, and 18 depend from claim 1. Accordingly, Nakaya fails to disclose each and every element of these claims, at least by virtue of their dependence on claim 1. In addition, these claims recite additional novel elements. To illustrate, claim 6 recites "wherein the characteristics of the video stream [upon which editing is based] include information from a user action that modified the video stream." According to the Office Action at page 3, these elements are disclosed at paragraph 37 of Nakaya, set forth below:

The editing section 132 performs editing processes such as: (1) a process of arranging the video and audio signals which are to be recorded on the hard disk 14, in the sequence according to a key operation on the operating section 19; (2) that of cutting out a portion relating to a commercial from the video and audio signals which are to be recorded on the hard disk 14; and (3) that of reproducing the video and audio signals which have been already recorded on the hard disk 14, during a recording process performed on the hard disk 14. These processes can be selected by a key operation on the operating section 19.

Applicants respectfully submit that none of the editing processes set forth by Nakaya in the cited paragraph relate to a **user action that modified a video stream** in any manner. That is, assuming *arguendo* that cutting a portion of a commercial from a video signal, as disclosed in the cited paragraph is an editing process based on a characteristic of a video stream, the editing process is not related to a user action that modified the video stream. A user action did not result in the presence or absence of the commercial in the video stream in any manner. Further, neither the cited paragraph, nor any other portion of Nakaya, discloses any user action that modified a received video stream. Accordingly, Nakaya fails to disclose at least the cited elements of claim 6.

With respect to claim 10, the claim recites "wherein the saving [of the edited video stream occurs in real-time relative to the user's perspective of the receiving the video stream."

According to the Office Action at page 3, these features are disclosed at paragraph [0034] of Nakaya, set forth above. Applicants respectfully submit that neither the cited passage, nor any other portion of Nakaya, discloses saving an edited video stream in real-time. Accordingly, Nakaya fails to disclose at least the recited elements of claim 10.

With respect to claim 25, the claim recites “storing the edited stream of video in real time relative to the user’s perception of receiving the first stream of video.” For reasons similar to those set forth above with respect to claims 1 and 10, Nakaya fails to disclose at least these features of claim 25.

With respect to claim 32, the claim recites “wherein the editing [of a received video stream] occurs substantially in the same time period as the receiving, and wherein the utilizing occurs substantially in the same time period as the editing.” For similar reasons set forth above with respect to claim 1, Nakaya fails to disclose at least the recited features of claim 32.

Claims 36, 39-40, and 42 depend from claim 32. Accordingly, Nakaya fails to disclose each and every element of these claims, at least by virtue of their dependence on claim 32. In addition, these claims recite additional novel elements.

With respect to claim 43, the claim as amended recites “a video graphics module configured to edit the video stream in real-time as the video stream is received based on the set of predefined editing options.” For reasons similar to those set forth above with respect to claim 1, Nakaya fails to disclose at least the recited features of claim 43.

Claims 44-46 depend from claim 43. Accordingly, Nakaya fails to disclose each and every element of these claims, at least by virtue of their dependence on claim 43. In addition, these claims recite additional novel elements.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 1-2, 6, 10, 13-15, 18, 25, 32, 36, 39-40 and 42-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 3-5, 8-9, 11-12, 22-24, 26-30 and 33-38

At page 5 of the Office Action, claims 3-5, 8-9, 11-12, 22-24, 26-30 and 33-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya (U.S. Patent Publication No. 2001/0012436). This rejection is hereby respectfully traversed.

Claims 3-5, 8-9, 11-12, and 22-24 depend from claim 1. As explained above, Nakaya fails to disclose or suggest at least one element of claim 1. Accordingly, Nakaya fails to disclose or suggest at least one element of these dependent claims, at least by virtue of their dependency on claim 1. In addition, these dependent claims recite additional novel elements.

To illustrate claim 3 recites “wherein the information within the video stream [upon which editing is based] is a station logo.” According to the Office Action at page 6, the Office takes “Official Notice” that is well known to include a station logo within the video stream. Applicants respectfully submit that, even assuming arguendo that it was well known to include a station logo in a video stream, it was not well known to **edit a video stream** based on a station logo in a video stream, as recited in claim 3. Further, Nakaya also does not disclose or suggest these features. Accordingly, the cited art fails to disclose or suggest at least one element of claim 3.

With respect to claim 5, the claim recites “wherein the information from other than the video stream [upon which editing is based] is from a television guide database.” According to the Office Action at page 6, the Office takes Official Notice that using a television guide for editing purposes is well known. Applicants respectfully disagree, and request the Office provide a prior art reference disclosing or suggesting the features of claim 5 in accordance with MPEP § 2144.03(B).

With respect to claims 8, 9, 11, 22-24, 26, 27-30, and 33-37, at pages 6-7 the Office takes Official Notice that the features of these claims are well known. Applicants respectfully disagree, and request the Office provide a prior art reference disclosing or suggesting the features of these claims in accordance with MPEP § 2144.03(B).

With respect to claim 12, the claim recites “displaying the edited video stream in real time relative to a users perspective of receiving the video stream.” According to the Office

Action at page 6, the Office takes Official Notice that displaying a video stream is well known. However, Applicants respectfully submit that even assuming *arguendo* that displaying a video stream was well known, the Office has failed to establish that displaying an **edited** video stream **in real-time**, as recited in claim 12, was well known. Applicants respectfully submit that the Office provide a prior art reference disclosing or suggesting the features of claim 5 in accordance with MPEP § 2144.03(B).

In view of the forgoing, it is respectfully submitted that the obviousness rejection of claims 3-5, 8-9, 11-12, 22-24, 26-30 and 33-38 is improper. Withdrawal of the rejection and reconsideration of the claims therefore is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 01-0365.

Respectfully submitted,

/Adam D. Sheehan/
Adam D. Sheehan; Reg. No. 42,146
LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 West Courtyard Drive, Suite 200
Austin, Texas 78730
(512) 439-7100 (phone)
(512) 439-7199 (fax)

May 21, 2008
Date